



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIAW 07-04

STEPHEN C. GLAZIER
KIRKPATRICK & LOCKHART LLP
1800 MASSACHUSETTS AVENUE, NW
WASHINGTON DC 20036

COPY MAILED

JUL 09 2004

OFFICE OF PETITIONS

In re Application of	:
Hellbusch, Propst, Balsavar,	:
Schaefer, and Wardhan	:
Application No. 10/696,163	: DECISION NOTING JOINDER OF
Filed: 29 October, 2003	: INVENTOR AND PETITION
Atty Dkt No. 0307091.0169	: UNDER 37 CFR 1.47(a) MOOT
	:

Papers filed on 17 June, 2004 (certificate of mailing 15 June, 2004), in response to the decision dismissing petition mailed on 16 April, 2004, included a Declaration signed by the previously non-signing inventor, Harsh Wardhan, in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is moot; this application does not have any rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(a).

The Office notes that joint inventor Wardhan appears to have written "AKA Harsh Wardhan Gupta" beside his typewritten name, and appears to have signed the declaration as "Harsh Gupta." Petitioner is reminded that the declaration will issue with the names of the inventors as typewritten. It is further noted that in the original petition it was stated that petitioners stated that joint inventor Wardhan may have changed his last name to "Gupta" but had not provided a petition under 37 CFR 1.182. If petitioner wishes the patent to issue in the name of joint inventor Wardhan as he signed the declaration rather than as his name is typewritten, a petition under 37 CFR 1.182 to correct the inventor's name is required, accompanied by the requisite petition fee.

It is noted that petitioners filed a surcharge of \$130.00 for late filing of the declaration with the present petition. This surcharge was previously paid on 25 February, 2004, however. As such, the surcharge paid with the present petition will be credited to counsel's deposit account, No. 50-1721.

This application will be forwarded to Technology Center 2100 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at (703)308-6918.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 7/8/04 2 Serial/Patent #: 10696163

3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
<input checked="" type="checkbox"/> Filing				\$
<input type="checkbox"/> Amendment				\$
<input type="checkbox"/> Extension of Time				\$
<input type="checkbox"/> Notice of Appeal/Appeal				\$
<input checked="" type="checkbox"/> Petition			<u>6/17/04</u>	\$ 130
<input type="checkbox"/> Issue				\$
<input type="checkbox"/> Cert of Correction/Terminal Disc.				\$
<input type="checkbox"/> Maintenance				\$
<input type="checkbox"/> Assignment				\$
<input type="checkbox"/> Other				\$
		7 TOTAL AMOUNT OF REFUND	\$ 130	
		8 TO BE REFUNDED BY:		
10 REASON:		Treasury Check		
<input type="checkbox"/> Overpayment	X	Credit Deposit A/C #:		
Duplicate Payment		9 <u>50-1721</u>		
<input checked="" type="checkbox"/> No Fee Due (Explanation):		<u>NO Fee Due w/ renewed PET</u>		
11 REFUND REQUESTED BY:				
TYPED/PRINTED NAME: <u>D. WOOD</u>		TITLE: <u>ER ATTY</u>		
SIGNATURE: <u>DM</u>		PHONE: <u>3086918</u>		
OFFICE: <u>OD</u>				
***** THIS SPACE RESERVED FOR FINANCE USE ONLY *****				
APPROVED: <u>Alicia Kell</u>		DATE: <u>7-9-04</u>		

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance
Refund Branch
Crystal Park One, Room 802B